

*Secretarial Duties of the State Superintendent of Public Instruction* (Article IX of the North Carolina Constitution; §§115C-19, and 115C-21) states:

*...Should the State Board of Education conclude that the day-to-day operation of the Department of Public Instruction should be the responsibility of someone other than the State Superintendent, it is our opinion that the State Board of Education has that authority by virtue of the laws enacted by the General Assembly (see **Exhibit 3-5**).*

The State Board of Education, in its 2007 amendment of Policy EE0-C-013, which gives the Board the authority to appoint a Deputy Superintendent who reports directly to the State Board and is empowered to manage the Department of Public Instruction, exercised its authority as delineated by the above Attorney General’s advisory opinion. The action, although legal and consistent with the Board’s prerogative, has not assuaged the diffused role of leadership. In fact, Evergreen Solutions concludes this action has exacerbated the matter and further confused stakeholders regarding state education leadership, since it further diffused responsibility.

The aforementioned options of changing the Constitution from an elected to an appointed State Superintendent, appointing a de facto Superintendent to be called Commissioner, and appointing a Deputy Superintendent to manage the DPI have not been and cannot be successful policy options. Furthermore, these contemplated or real actions have not solved the pressing matter of statewide education leadership and have resulted in diffused governance.

The current diffused leadership and authority of public education in North Carolina can not be addressed satisfactorily in a way consistent with the spirit of the North Carolina Constitution and state statutes, so long as the current State Board of Education chooses to limit and not enhance the role of the State Superintendent to be the identified leader of the public education system, to administer and supervise the system, and to manage the Department of Public Instruction, “subject to the direction, control, and approval of the State Board of Education”.

Evergreen Solutions concludes that other avenues that have been contemplated or tried—whether politically impractical or illegal—are not worth pursuing. Evergreen’s recommendations that follow are consistent with the State Board’s policy of limiting the State Superintendent’s role, maintaining the role of that position as “Chief Administrative Officer of the Board” in accordance with the Constitution, and honoring the role of the State Board of Education as constitutionally intended to administer and supervise.

## **RECOMMENDATIONS**

### **Recommendation 3-5:**

**Amend the job description of the Chairman of the State Board of Education to include the title of Chief Executive Officer.**

The role of the Chairman, by virtue of his current job description, is very expansive and encompassing. Changing the title of the Chairman to include Chief Executive Officer and adding responsibilities of the administration and management of the DPI provides a governance structure akin to the common corporate model—an appointed or elected board and a chief

